

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

SCOTT MOYER,

Plaintiff,

v.

No. 18-cv-02267

ARAMARK;

KENT DAHLQUIST, *Individually and as
an Employee of Kutztown University;*

GERALD SILBERMAN, *Individually and
as an Employee of Kutztown;*

JOHN DOE, *Individually and as an
Employee of Kutztown University;* and

KUTZTOWN UNIVERSITY,

Defendants.

ORDER

AND NOW, this 7th day of March, 2019, upon consideration of Plaintiffs' Amended Complaint, ECF No. 12; Defendants' Motion to Dismiss, ECF No. 13; Plaintiffs' Response, ECF No. 14; and Defendants' Reply, ECF No. 15, and for the reasons set forth in the accompanying Opinion, **IT IS ORDERED THAT:**

1. Defendants' Motion to Dismiss, ECF No. 13, is **GRANTED in part**;
2. The claims in Counts I–IV are **DISMISSED without prejudice**;
3. Plaintiff is granted leave to file a second Amended Complaint for Counts I–IV consistent with the accompanying Opinion **on or before March 28, 2019**; and
4. The Court will hold in abeyance its decision on the remaining state law claims in Counts V and VI pending the filing of a second Amended Complaint, if any.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge